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CHARLES CLYDE CROPLEY
CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1940.

CITY OF INDIANAPOLIS, *et al.*,

Petitioners,

vs.

THE CHASE NATIONAL BANK OF THE
CITY OF NEW YORK, TRUSTEE, ETC.,
et al.,

Respondents.

THE CHASE NATIONAL BANK OF THE
CITY OF NEW YORK, TRUSTEE, ETC.,

Petitioners,

vs.

CITIZENS GAS COMPANY OF INDIANAPOLIS, *et al.*,

Respondents.

10-11
Nos. 421-422

12-13
Nos. 423-424

**ADDITIONAL AUTHORITIES OF CITY OF INDIANAPOLIS,
ET AL., PETITIONERS AND CROSS-RESPONDENTS,
CITED TO POINT III (pages 43 to 52) IN THE ORIGINAL
BRIEF OF CITY OF INDIANAPOLIS, ET AL., PETITIONERS
AND CROSS-RESPONDENTS.**

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ERS AND CROSS-RESPONDENTS.**

III.

LEASE UNENFORCEABLE AGAINST CITY. (Pages 43 to 52.)

Scott—The Law of Trusts (1939) Vol. II, Section 189.2
page 1010;

Restatement of the Law—Trusts—Vol. I, Section 189
(c) page 499.

Respectfully submitted,

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Nos. 423-424.

**ADDITION TO APPENDIX OF BRIEF OF PETITIONERS,
CITY OF INDIANAPOLIS, ET. AL.**

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ADDITION TO APPENDIX OF BRIEF OF PETITIONERS, CITY OF INDIANAPOLIS, ET AL. (page 89)

Acts Indiana General Assembly 1911, Chap. 229

"An Act to amend Sections 55 and 249 of an Act entitled 'An Act concerning municipal corporations' approved March 6, 1905":

"Sec. 2. That section 249 of the above entitled Act be amended to read as follows: Sec. 249. Any city or town may erect or construct water works, gas works, electric light works, heating, steam and power plants, or combination of such utilities, together with all buildings, lines and accessories necessary thereto and may purchase or lease any such

works and utilities already constructed, or in course of construction and owned by any other person; and may also purchase, condemn or lease other lands for said purposes; and may also extend, change and improve such works and utilities when so acquired; all for the purpose of furnishing the inhabitants of such city or town and vicinity with the use and convenience of any or all of such utilities: Provided, that before any city or town shall enter upon the policy of erecting and constructing any such new works and utilities, or the purchase or lease of the same from other persons, the common council of such city or the board of trustees of such town as the case may be, shall adopt a resolution, designated by number declaring the necessity for entering upon the policy of such erection and construction or purchase or lease. In case of the proposed erection and construction of new works said declaratory resolution shall fix the general character and the probable maximum cost thereof; and in case of the purchase or lease of such works from other persons such common council or board of trustees shall first procure an option from the owners of such works agreeing to sell or lease the same upon the terms of a definite proposed contract of sale or lease upon approval thereof by popular vote, and a full copy of said proposed contract of sale or lease shall be incorporated in and made a part of said declaratory resolution. Before such declaratory resolution is confirmed and the policy thereof entered upon said common council or board of trustees shall submit the same to the qualified voters of such city or town at a special or general election of which election previous notice shall be given by publication once each week for two weeks in some newspaper printed and of general circulation in such city or town and if there be no such newspaper, then in some newspaper printed and of general circulation in the county in which such city or town is situated, the first of said publication to be at least twenty days prior to the day fixed for such election. The tickets for such election shall have printed thereon, in separate line the following phrases: 'For Declaratory Resolution No—' and 'Against Declaratory Resolution No—,' assigning the number of the resolution submitted, or other similar phrases by which the voter may effectually express his choice upon the question submitted; and each phrase shall have printed to the left thereof a voting square, by marking in which square the voter shall express his choice; and such elections shall otherwise be governed by the general election laws of the state of

Indiana, so far as applicable, if such resolution be submitted at a general election of such city the ticket therefor shall be printed upon and at the bottom of the general tickets containing the names of candidates at such election. If a majority of the votes cast at such election be in favor of such resolution, such common council or board of trustees may by ordinance confirm such resolution and proceed to execute the policy thereof; but if a majority of such votes be opposed to such resolution, then such common council or board of trustees shall have no power to confirm the same or to execute the policy thereof. Such city or town is hereby authorized, for the purpose of procuring the means to acquire the aforesaid works and utilities, or to improve the same when acquired, as hereinbefore authorized to issue and sell the bonds of such city or town pursuant to and in conformity with the provisions of section 55 of this Act."

Note:

The Act of 1911 was amended in 1915 by deleting the prohibitions respecting the leasing of utility property. It was again amended in 1931 by restoring the prohibitions against the making of leases without an election.

(The Act as amended appears in Burns' Indiana Statutes Annotated 1933—Sec. 48—7201.)

Respectfully submitted,

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